

By: Rodriguez

S.B. No. 1261

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures in certain civil actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 30, Civil Practice and Remedies Code, is amended by adding Sections 30.019 and 30.020 to read as follows:

Sec. 30.019. STANDARDIZED FORMS. (a) In this section, "standardized form" means a form promulgated by the supreme court under Section 22.003, Government Code, for use in a civil action in a trial court of this state, including a petition or answer, notice, motion, proposed order, or other pleading. The term includes any instructions promulgated for use with the form.

(b) Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this section.

(c) A court may not grant relief or enter an order using or relying on a standardized form that does not comply with substantive or procedural law.

(d) A standardized form may not be used for a purpose other than the purpose stated in the order approving the standardized form.

(e) A court may not accept a standardized form that is:

(1) prepared in a manner inconsistent with the instructions promulgated for use with the form; or

(2) submitted for a use other than the use authorized

1 by the order adopting the standardized form.

2 (f) The clerk of a court may not complete, assist in
3 completing, or advise a party concerning the completion of a
4 standardized form.

5 (g) This section does not apply to a standardized form used
6 in an action to seek or enforce a protective order under Title 4,
7 Family Code.

8 Sec. 30.020. SELF-REPRESENTED LITIGATION. (a) In this
9 section, "self-represented litigant" means a party to a civil
10 action who is not represented by an attorney.

11 (b) Except as otherwise provided by law or a court order:

12 (1) a party is not required to be represented by an
13 attorney in a civil action; and

14 (2) a self-represented litigant is subject to the same
15 substantive and procedural law as a person who is represented by an
16 attorney.

17 SECTION 2. Section 7.003, Family Code, is amended to read as
18 follows:

19 Sec. 7.003. DISPOSITION OF RETIREMENT AND EMPLOYMENT
20 BENEFITS AND OTHER PLANS. (a) In a decree of divorce or annulment,
21 the court shall determine the rights of both spouses in a pension,
22 retirement plan, annuity, individual retirement account, employee
23 stock option plan, stock option, or other form of savings, bonus,
24 profit-sharing, or other employer plan or financial plan of an
25 employee or a participant, regardless of whether the person is
26 self-employed, in the nature of compensation or savings.

27 (b) In a suit for dissolution of a marriage in which either

1 spouse is a self-represented litigant, as defined by Section
2 30.020, Civil Practice and Remedies Code, and files any
3 standardized form, as defined by Section 30.019, Civil Practice and
4 Remedies Code, the court may not enter a decree of divorce or
5 annulment until each spouse:

6 (1) discloses to the court and to the other spouse the
7 existence, nature, and value of a pension, plan, or other account
8 described by Subsection (a); or

9 (2) swears that the spouse does not own or have a legal
10 or equitable interest in a pension, plan, or other account
11 described by Subsection (a).

12 SECTION 3. Section 22.003, Government Code, is amended by
13 adding Subsection (c) to read as follows:

14 (c) An order of the supreme court adopting a form must
15 specify an effective date to be printed conspicuously on the form.
16 The effective date must provide for a reasonable period of time
17 during which the court will accept public comment on the form before
18 it becomes effective.

19 SECTION 4. (a) Section 30.019, Civil Practice and Remedies
20 Code, as added by this Act, applies to a standardized form
21 promulgated by the Supreme Court of Texas before, on, or after the
22 effective date of this Act that is filed in a civil action on or
23 after the effective date of this Act. A standardized form that is
24 filed in a civil action before the effective date of this Act is
25 governed by the law in effect on the date the form is filed, and that
26 law is continued in effect for that purpose.

27 (b) Section 30.020, Civil Practice and Remedies Code, as

1 added by this Act, is intended to clarify existing law with respect
2 to the law that applies to a party to civil litigation who is not
3 represented by an attorney.

4 (c) Section 7.003, Family Code, as amended by this Act,
5 applies only to a suit for dissolution of a marriage filed on or
6 after the effective date of this Act. A suit for dissolution filed
7 before the effective date of this Act is governed by the law in
8 effect on the date the suit was filed, and that law is continued in
9 effect for that purpose.

10 (d) Section 22.003(c), Government Code, as added by this
11 Act, applies to a form promulgated by the Supreme Court of Texas on
12 or after the effective date of this Act. A form promulgated by the
13 Supreme Court of Texas before the effective date of this Act is
14 governed by the law in effect on the date the form was promulgated,
15 and that law is continued in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2013.